

HOUSE BILL 1741

By Sontany

AN ACT to amend Tennessee Code Annotated, Title 62,
relative to interior designers.

WHEREAS, the purpose of this legislation is to safeguard life, health, and property to promote the public welfare by assuring the right to practice interior design in certain large, commercial spaces heretofore, prohibited to interior designers, to those persons having specific design education, experience and examination as defined in this act; and

WHEREAS, it is a matter of public interest, safety, and protection that persons practicing interior design in large, commercial spaces merit the confidence of the public; and

WHEREAS, the purpose of this legislation is to provide a choice by which consumers may choose design professionals to design non-structural interiors of certain large, commercial spaces; and

WHEREAS, the purpose of this legislation is not meant in any way to impair, restrict or prevent the sale of merchandise related to the interior design profession; now, therefore

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-2-102, is amended by adding the following as a new subsection and designating it appropriately:

() Nothing in this section shall prevent a registered interior designer from preparing nonstructural interior design plans and specifications for interior spaces of a building or structure of any size, height and occupancy, including assembly, institutional or educational occupancies, for the purpose of obtaining approval for a building permit as provided by law from the appropriate city, city and county, or regional building authority, which may approve or reject any such filing in the same manner as for other

professions. Such interior design plans and specifications specifically exclude the design of or the responsibility for the construction of structural, mechanical, plumbing, heating, air conditioning, ventilating, electrical, or vertical transportation systems, fire-rated vertical shafts, fire-rated protection of structural components, smoke evacuation and compartmentalization, and the preparation of a life safety plan.

SECTION 2. Tennessee Code Annotated, Section 62-2-901, is amended by deleting the language "Interior Designers Title Registration Act" and by substituting instead the language "Licensed Interior Designers Act".

SECTION 3. Tennessee Code Annotated, Section 62-2-902, is amended by deleting the section in its entirety and by substituting instead the following:

62-2-902.

(a)

(1) As provided in § 62-2-101, no person shall use the titles "licensed interior designers" or "registered interior designer" unless such person is registered as provided in this part. A registered interior designer shall use the title "licensed interior designer".

(2) Nothing in this chapter shall limit, restrict or prevent anyone from using the title "interior designer" or the phrase "interior design".

(b) Nothing in this part shall be construed to prohibit persons from preparing interior design plans and specifications for buildings and structures as permitted by § 62-2-102(b).

(c) Nothing in this part shall be construed to prevent or restrict the practice, services, or activities of any person licensed in this state from engaging in the profession or occupation for which such person is licensed, including but not limited to, persons

licensed as contractors and residential contractors pursuant to chapter 6 of this title, and such persons' employees or subcontractors.

(d) Nothing in this part shall be construed to impair, restrict, or in any other way prevent the sale of all merchandise or building materials to the interior design profession, to any person, business or government entity.

(e) The following persons shall not be considered to be in violation of this part, provided such persons do not use the titles "licensed interior designer" or "registered interior designer":

(1) Architects, engineers, or landscape architects registered under applicable state laws;

(2) Persons who provide or employees of any establishment that provides consultation regarding interior decorative services such as assistance in selection of surface materials, window treatments, wall coverings, paint, floor coverings, surface-mounted fixtures, lighting fixtures, cabinetry, or loose furniture and furnishings where the use, application, or installation of such materials, treatments, coverings, fixtures, or furnishings is not subject to regulation under applicable building or life-safety codes; or persons who coordinate the installation of such personal property or fixtures as part of a sale or in the furtherance of a sale or prospective sale of goods or services to the public or trade including, but not limited to, any documents, including drawings and material lists created for pricing or for the purposes of communicating interior space requirements to a registered design professional; or

(3) Persons providing kitchen and bath design services, including those certified by the National Kitchen and Bath Association (NKBA) as a certified kitchen designer or certified bath designer, or both, whose activities involve the

planning and execution of the design of kitchens or baths. Nothing in this chapter shall be construed to prohibit or restrict the use of the terms "certified kitchen designer" or "certified bathroom designer".

SECTION 4. Tennessee Code Annotated, Section 62-2-903, is amended by deleting the section in its entirety and by substituting instead the following:

62-2-903.

As used in this part, unless the context otherwise requires:

(1) "Licensed interior designer" or "registered interior designer" means a person who is registered under this part and, as such, is a registered design professional. "Licensed interior designer" is a person registered to use the title "licensed interior designer";

(2) "Life safety plan" means a drawing that summarizes pertinent life-safety information for a project and may be required for review by the state fire marshal or state or local government building officials who enforce building codes. The information and form of the life safety plan shall be determined by the state fire marshal or state or local government building officials who enforce building codes;

(3) "Non-structural" means interior building components that are not load-bearing and do not require design computations for a building's structural frame, including those related to seismic forces. Common non-structural components include, but are not limited to, ceiling and partition systems. These components employ normal and typical bracing conventions and are not part of the structural integrity of the building; and

(4) "Partition" means a wall that does not support a vertical load of a building's structural frame, but may support loads attached to it such as cabinetry, shelving or grab bars, and does not extend further than from the floor of an interior area of a building

designed for human habitation or occupancy to the underside of the structural deck above.

SECTION 5. Tennessee Code Annotated, Section 62-2-904, is amended by deleting this section in its entirety and by substituting instead the following:

(a)

(1) Each applicant for registration shall apply to the board.

(2) Except as otherwise provided in this part, each applicant shall provide proof that is satisfactory to the board that the applicant has successfully completed the following educational, experience, and examination requirements:

(A) A combination of seven (7) years education and experience for graduates holding degrees from interior design programs that are accredited by the Council for Interior Design Accreditation (CIDA) or accredited by CIDA within two (2) years of an applicant's completion of the program, and proof of passage of the examination administered by the National Council for Interior Design Qualification (NCIDQ), or an equivalent examination as specified by the board; or

(B) A combination of eight (8) years education and experience for graduates holding degrees from interior design programs that are not CIDA accredited and provide no less than sixty (60) semester credit hours or ninety (90) quarter credit hours in interior design related courses, and proof of passage of the examination administered by the National Council for Interior Design Qualification (NCIDQ) or an equivalent examination as specified by the board; or

(C) A combination of eight (8) years education and experience for graduates holding degrees from a program of architecture accredited by

the National Architectural Accrediting Board (NAAB), which provides no less than forty (40) semester credit hours or sixty (60) quarter credit hours in interior design related courses; and proof of passage of the examination administered by the National Council for Interior Design Qualification (NCIDQ), or an equivalent examination as specified by the board; and

(D) Completion of the Interior Design Experience Program (IDEP) as administered by the National Council for Interior Design Qualification (NCIDQ) or completion of the Intern Development Program as administered by the National Council of Architectural Registration Boards (NCARB), or substantially equivalent experience approved by the board, shall be required for persons applying under this subsection (a). This subdivision (a)(2)(D) shall apply beginning January 1, 2016.

(b) Diversified and appropriate experience in interior design may be earned by an applicant by regularly engaging in teaching within an interior design program recognized by the board as an institution of higher learning. Such applicant must hold both a graduate and undergraduate degree with at least one (1) degree in interior design or related field as approved by the board.

(c) If the applicant's NCIDQ certificate as referenced in subsection (a) was obtained prior to January 1, 2004, and the applicant has less than twenty (20) years experience, then the applicant shall furnish proof of passage of the National Council for Interior Design Qualification (NCIDQ), six-hour continuing education (CE) monograph and accompanying test, Structures in Interior Design, or other continuing education requirements as specified by the board regarding recognition and identification of structural and other building system components in interior design projects and the role

of specialized design professionals and coordination with such professionals. Such continuing education requirements shall count as six (6) of the twelve (12) professional development hours required for the registrant's biennial renewal for the first time after initial registration. This subsection (c) does not apply if the applicant is a registered architect or engineer in the state, if such applicant has or earned a degree from a National Architectural Accreditation Board (NAAB)-accredited program in architecture.

SECTION 6. Tennessee Code Annotated, Section 62-2-905, is amended by deleting the section in its entirety and by substituting instead the following:

62-2-905.

(a)

(1) Any person registered as a registered interior designer under the former provisions of this part prior to the effective date of this act shall be registered as a licensed interior designer under this part with all the rights and privileges thereof. If the registered interior designer has less than twenty (20) years of experience, then such registered interior designer shall furnish proof of passage of the National Council for Interior Design Qualification (NCIDQ), six-hour continuing education monograph and accompanying test, Structures in Interior Design, or other continuing education requirements as specified by the board regarding recognition and identification of structural and other building system components in interior design projects and the role of specialized design professionals and coordination with such professionals. Such continuing education shall count as six (6) professional development hours of the twelve (12) professional development hours required for the registrant's biennial renewal for the first time after initial registration.

(2) An alternative requirement for registration prior to January 1, 2015, shall include the following:

(A) An application submitted to the board that includes satisfactory evidence of an applicant having used or been identified by the title "interior designer", and satisfactory interior design experience totaling fifteen (15) years or a combination of interior design education and satisfactory interior design experience totaling fifteen (15) years. If the applicant has less than twenty (20) years of experience, then the applicant shall furnish proof of passage of the National Council for Interior Design Qualification (NCIDQ), six-hour continuing education monograph and accompanying test, Structures in Interior Design, or other continuing education requirements as specified by the board regarding recognition and identification of structural and other building system components in interior design projects and the role of specialized design professionals and coordination with such professionals. Such continuing education shall count as six (6) professional development hours of the twelve (12) professional development hours required for the registrant's biennial renewal for the first time after initial registration.

(b) Diversified and appropriate experience in interior design may be earned by an applicant by regularly engaging in teaching within an interior design program recognized by the board as an institution of higher learning. Such applicant must hold both a graduate and undergraduate degree with at least one (1) degree in interior design or a related field as approved by the board.

SECTION 7. Tennessee Code Annotated, Title 62, Chapter 2, Part 9, is amended by adding the following as a new section:

62-2-907.

(a) The issuance of a certificate of registration by the board shall be evidence that the person named in the certificate is entitled to all the rights and privileges of a registered interior designer while the certificate remains unrevoked or unexpired.

(b) Each registered interior designer shall obtain and keep a seal, of the design authorized by the board, bearing the registrant's name, the registrant's registration number, the words "Licensed Interior Designer" and the words "State of Tennessee" or "Tennessee". The registrant shall stamp with the registrant's seal all original sheets of any bound set of plans and the first sheet of any specifications or reports, or portions thereof, prepared by the registrant or under the registrant's responsible charge. No registered interior designer shall affix the registered interior designer's seal or stamp to any document that has not been prepared by the interior design registrant or under the interior design registrant's responsible charge. Plans, specifications and reports issued by the registrant shall be stamped with the seal during the life of a registrant's certificate; however, it is unlawful for anyone to stamp or seal any document with the seal after the certificate of the registrant named thereon has expired or has been revoked.

(c) The board may adopt such rules and regulations for the affixing to and endorsement of the registrant's seal on interior design documents as may be necessary to implement compliance with this section.

SECTION 8. Tennessee Code Annotated, Section 62-2-101, is amended by deleting the language "the title 'registered interior designer'" and substituting instead the language "the titles 'licensed interior designer' or 'registered interior designer'".

SECTION 9. Tennessee Code Annotated, Section 62-2-105(b)(1), is amended by deleting the language "the title 'registered interior designer'" and substituting instead the language "the title 'licensed interior designer'".

SECTION 10. Tennessee Code Annotated, Section 62-2-202(a), is amended by deleting the last sentence in its entirety and by substituting instead the following:

The ten-year requirement of experience as a registered practitioner for the interior design board member may include, in part or total, years registered under the former provisions of chapter 9 of this title in effect on the date prior to the effective date of this act.

SECTION 11. Tennessee Code Annotated, Section 62-2-203(a), is amended by deleting the language “the title’ registered interior designer” and substituting instead the language “the title ‘licensed interior designer””.

SECTION 12. Tennessee Code Annotated, Section 62-2-207(b), is amended by deleting the language “the title’ registered interior designer” and substituting instead the language “the title ‘licensed interior designer””.

SECTION 13. Tennessee Code Annotated, Section 62-2-301(a), is amended by deleting the language “the title’ registered interior designer” and substituting instead the language “the title ‘licensed interior designer””.

SECTION 14. Tennessee Code Annotated, Section 62-2-302(a)(4), is amended by adding the following language to the end thereto:

Until the appointment of a registered interior designer board member, the registered interior designer board member serving on the effective date of this act shall continue to determine such qualifications along with the other designated board members.

SECTION 15. Tennessee Code Annotated, Section 62-2-302(b), is amended by adding the following language at the end of subdivision (3):

Until the appointment of a registered interior designer board member, the present registered interior designer board member shall examine the applicants.

SECTION 16. Tennessee Code Annotated, Section 62-2-308(a)(1)(F), is amended by deleting the language “the title’ registered interior designer” and substituting instead the language “the title ‘licensed interior designer””.

SECTION 17. The board shall promulgate rules and regulations to effectuate the provisions of this acts. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 18. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 19. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2012, the public welfare requiring it.